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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/751,838 | 01/05/2004 | Bruce F. Field | T31.12-0013 | 8360 |

7590 05/24/2005

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| EXAMINER |
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CARRILLO, BIBI SHARIDAN

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| ART UNIT | PAPER NUMBER |
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1746

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,838

Applicant(s)

FIELD ET AL.

Examiner

Sharidan Carrillo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02282005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12062004, 12132004, 1/3/2005, 2/14/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because it is unclear what the cleaning agent is being dispensed to. For example, is the cleaning agent being dispensed to the hard surface cleaner or to the substrate surface. Claims 9 and 22 are indefinite because it is unclear what one of ordinary skill in the art would consider as high and low pressure. The terms are indefinite because applicant has not provided a clear definition of high and low pressures in the specification. The terms "high" and "low" are indefinite because they are relative terms such as "hot" and "cold". Claims 12-13 and 24-25 are indefinite because it is unclear what one of ordinary skill in the art would consider as foam-like. For clarification purposes, the examiner is not objecting to the term "foam" the examiner is objecting to the term "like". What is the difference between a foamed cleaning liquid and a "foam-like" cleaning liquid. At what point would a cleaning liquid be considered "foam-like" instead of "foamed".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Field et al. (6735811).

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Field et al. teach a method of cleaning a hard floor surface. In reference to claim 1, Field et al. teach a cleaning machine for delivering a cleaning liquid at a rate of 0.5GPM or less, preferably 0.2 GPM (col. 4, lines 55-65, col. 6, lines 1-12). In reference to the flow control device, refer to Figs. 3 and 5 and col. 5-6 bridging. In reference to claims 2-3, Field et al. teach a "bladder" which reads on a collapsible bag (col. 10, lines 35-40). In reference to claim 4, Field et al. teach a rate of less than 0.5 GPM. In reference to claim 5, refer to Fig. 3. In reference to claims 7-9, refer to Fig. 7 and col. 5, lines 43-66. In reference to claims 10-11, refer to col. 5, lines 7-25. In reference to claims 12-13, refer to col. 6, lines 25-40. In reference to claim 14, refer to Fig. 1.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, and 8-11 rejected under 35 U.S.C. 102(e) as being anticipated by Savas et al. (US2002/0096258).

Savas teaches a method of flowing a gas from the gas inlet 320 into a process chamber 310 at a flow rate of 10 standard cubic centimeters per minute (paragraph 71). In reference to the flow control device, Savas et al. teach the gas supply system and the gas exhaust system cooperate to maintain the desired gas flow. In reference to claim 8, refer to Fig. 3. In reference to claim 9, the limitations are met in view of the indefiniteness as described above. In reference to claims 10-11, refer to paragraph 71.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savas et al. (US20020096258).

Savas et al. fail to teach the limitations of claims 5-6. It would have been within the level of the skilled artisan to have modified the method of Savas et al. to provide a controller and pump since is notoriously well known in the art to use a computer, controller, or an automatic control means for activating the pump to control fluid flow.

Allowable Subject Matter

10. Claims 15-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest the limitations of providing a second supply of cleaning agent and restricting

the second flow of the cleaning agent to less than approximately 10.0 cubic centimeters per minute.

Response to Arguments

11. The rejection of the claims, under 112, second paragraph is maintained for the reasons set forth above.

12. The rejection of the claims as being anticipated by Field is maintained for the following reasons. Applicant argues that the rejection is improper since applicant claims priority to the Provisional Application 60/308773. Applicant's effective filing date is 5/12/2002. Applicant is not entitled to the benefit of the provisional application since the claimed subject matter of the instant invention is not supported by the provisional application or the CIP Patent 6,585,827. Additionally the '811 Patent is also not entitled to the benefit of the provisional application since no support for the claimed subject matter can be found the provisional application as well. However, the '811 Patent has an effective filing date of 5/9/2002, which is earlier than the effective filing date 5/21/2002 of the instant application. Therefore the 102e rejection as being anticipated by Field is maintained.

13. The 103 rejections of Field in view of the secondary references are withdrawn since applicant claims that the '811 Patent is commonly owned at the time of the filing of the instant invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ruef teaches a flow rate of 1.5 GPM.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc

SHARIDAN CARRILLO
PRIMARY EXAMINER

